

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshsb



**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
AND NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **March 15, 2001**, at 10:00 a.m.
in the Auditorium of the California State Building,
1350 Front Street, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **March 15, 2001**, following the Public Meeting,
in the Auditorium of the California State Building,
1350 Front Street, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **March 15, 2001**, following the Public Hearing,
in the Auditorium of the California State Building,
1350 Front Street, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

JERE W. INGRAM, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **March 15, 2001**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1710(a)
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 98
Section 4999
**The Securing of Loads Prior to Release from Cranes and Other
Hoisting Apparatus**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 29
Section 1710(a)
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 98
Section 4999
**The Securing of Loads Prior to Release from Cranes and Other
Hoisting Apparatus**

**INFORMATIVE DIGEST OF PROPOSED ACTION/
POLICY STATEMENT OVERVIEW**

This rulemaking action is being initiated by the Division of Occupational Safety and Health (Division) by memorandum to the Occupational Safety and Health Standards Board (Board) dated August 28, 2000. In its memorandum, the Division recommended rulemaking to ensure that loads being placed by cranes or other hoisting apparatus are secured or supported to prevent inadvertent movement of the load prior to being released or detached. The Division's memorandum (with attachments) included the summary of an accident that occurred on November 30, 1999 involving a construction worker who fell and sustained a fatal head injury after releasing a load of trusses attached to a crane before they were secured.

The Division recommended amendments to Construction Safety Order (CSO), Section 1710(a), which pertains to the erection of structures, and General Industry Safety Orders (GISO), Section 4999, which contains the requirements for the handling of loads during crane, hoist and derrick operations. This rulemaking action will address the concerns of the Division with respect to the securing of loads prior to release.

Construction Safety Orders, Section 1710. Erection of Structures.

Section 1710(a). Bracing.

Section 1710(a) pertains to lateral and progressive bracing of loads such as trusses and beams during construction. This subsection also requires building structures/members to be braced, connected, and adequately stabilized or anchored to prevent the shifting of structural members. A new subsection (a)(4) is proposed to ensure that loads are not released from cranes or other hoisting apparatus (i.e., forklifts or aerial devices equipped with attachments for rigging and/or the lifting of loads) until the load has been secured or supported to prevent inadvertent movement. Industry experts recognize that good safety practice dictates that suspended loads be secured prior to release from cranes or other hoisting apparatus. However, the regulations are silent on this issue and, as noted by the Division, fatalities have occurred when loads have been released prematurely. The proposed amendment will have no effect upon the regulated public other than to require the securing of a load prior to release or detachment from cranes or other hoisting devices.

General Industry Safety Orders, Section 4999. Handling Loads.

Section 4999, in GISO Article 98 regarding crane, hoist, and derrick operations, addresses operations such as attaching loads, moving loads, the holding of loads and safe practices before and during hoisting. Industry experts recognize that good safety practice dictates that suspended loads be secured prior to release from cranes or other hoisting apparatus. However, Section 4999 does not address this practice. Therefore, a new subsection (g) is proposed that will require loads to be secured or supported before release or detachment to prevent inadvertent movement of the load. The proposed amendment will have no effect upon the regulated public other than to ensure that loads are secured or supported prior to being released or detached from cranes or other hoisting devices.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No state agencies handle loads using cranes or other hoisting equipment which are momentarily suspended for placement as in construction. Therefore, no costs or savings to state agencies will result as a consequence of the proposed action. See also the heading “Impact on Businesses” below.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Industry experts recognize that good safety practice dictates that suspended loads be secured prior to release. The proposal provides a regulation that reinforces expert opinion and requires that loads placed by cranes and other hoisting apparatus be secured or supported before the load is released.

Cost Impact on Private Persons or Entities

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination or Mandate”.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the State is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

REASONABLE ALTERNATIVES CONSIDERED

Our agency must determine that no reasonable alternatives have been identified by the Board or otherwise brought to our attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposal does not contain building standards regulations as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives to lessen the impact on small businesses is also available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than

March 9, 2001. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on

March 15, 2001 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's monthly notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

JERE W. INGRAM, Chairman

NOTICE OF ADOPTION OF
REGULATIONS
INTO TITLE 8, CALIFORNIA CODE OF REGULATIONS
BY THE
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

After proceedings held in accordance with and pursuant to the authority vested in Sections 142, 142.3 and 142.4, of the Labor Code to implement, interpret, or make specific, the Occupational Safety and Health Standards Board, by a majority vote, adopted additions, revisions, or deletions to the California Code of Regulations as follows:

[The following information is to be copied and pasted from the Calendar of Activities]

1. Title 8, Chapter 4, Subchapter 7, General Safety Orders, Article 92, Section 4889, **Warning Devices for Overhead Cranes.**

Heard at the June 15, 2000, Public Hearing; adopted on October 19, 2000; filed with the Secretary of State on December 5, 2000; and became effective on January 4, 2001.

A copy of this standard is available upon request from the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721.

If you have Internet access, visit the Occupational Safety and Health Standards Board by going to: **<http://www.dir.ca.gov/oshsb>** and follow the links to the Standards Board. This information is updated monthly. The Standards Board's e-mail address is: **oshsb@dir.ca.gov**.

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STANDARDS BOARD

John D. MacLeod, Executive Officer